

REMARKS

The present invention relates a novel protein belonging to the TNF superfamily termed "TRANCE" and, *inter alia*, nucleic acids encoding the same.

The above-captioned application was filed as a continuation of U.S. Patent Application No. 09/447,035, filed November 22, 1999, which is a divisional application of U.S. Patent Application No. 08/989,479, filed December 12, 1997, all of which claim priority to U.S. Provisional Patent Application No. 60/069,589, filed December 17, 1997.

Before examination on the merits, and before issuance of any Office Action in this application, Applicants hereby amend this application to prosecute a different group of claims than those elected in U.S. Patent Application No. 09/447,035 (*i.e.*, Group III, claims 28, and 63-65, drawn to an antibody against a polypeptide comprising the amino acid sequence of SEQ ID NO:2). That is, Applicants now elect the claims of Group III, claims 10-15, 28, 35, 37, and 47, drawn to antibodies, as set forth in the Restriction Requirement mailed March 26, 1999 (Paper No. 7), in U.S. Patent Application No. 08/989,479. Applicants hereby cancel claims 28, 37, and 47, without prejudice, insofar as they relate to a modulator of an immune response.

The amendments made herein relate, in essence, to cancellation of claims drawn to non-elected inventions and to addition of new claims 60-66 depending from the now elected claims. As more fully set forth below, the amendments made and new claims added herein are supported by the specification as filed. Thus, no new matter has been added by way of these amendments or by addition of the new claims.

Upon entry of the instant Preliminary Amendment, claims 10-15, and new claims 60-66, will be under examination in this application.

Amendments to the claims

Applicants, now wishing to prosecute the invention of Group III, claims 10-15, 28, 35, 37 and 47, drawn to antibodies, as set forth in the Restriction Requirement of March 26, 1999, in the '479 application, have now canceled, without prejudice, claims 1-9, and claims 16-59.

Applicants have amended claim 10, which previously depended from claim 7, which depended from claims 1, 2, 4 and 5, to incorporate subject matter recited in claims 1, 2, 4, 5, and 7, now cancelled. Thus, no new matter has been added by way of this amendment. Moreover, claim 10 is amply supported throughout the specification as filed, including, but not

limited to, page 45, line 26, through page 48, line 30. Thus, no new matter has been added by way of this amendment.

Claim 14 has been amended to recite that it depends from claim 10, where it was previously a multiple dependent claim depending from claims 10 through 13. This amendment merely changes claim 14 from a multiple dependent claim, and no new matter has been added by way of this amendment.

New Claims

New claims 60 through 66 have been added to recite various aspects of the invention as set forth at, *inter alia*, page 45, line 26, through page 48, line 30, of the specification as filed. More specifically, claim 60 recites that the antibody has as an immunogen a polypeptide comprising the amino acid sequence of SEQ ID NO:2, or a conserved variant, fragment, analog, or derivative thereof, as set forth at, *e.g.*, page 45, lines 26-31. Likewise, claim 61 has been added to recite an antibody having as an immunogen a polypeptide comprising an amino acid sequence set forth at SEQ ID NO:4, which is amply supported throughout the specification as filed, including, but not limited to, at page 45, lines 26-31. Similarly, claims 63 and 64 have been added to recite that the amino acid sequence consists of SEQ ID NO:2 and SEQ ID NO:4, respectively. Claims 63 and 64 are amply supported by the specification as filed as discussed previously with regard to claims 60 and 61. Thus, no new matter has been added by way of addition of these new claims.

Claim 62 has been added to recite that the antibody is selected from a monoclonal, polyclonal, chimeric, single chain and Fab fragment. Support for this new claim can be found throughout the specification as filed, including, among others, page 46, lines 3-4. Therefore, no new matter has been added by the addition of this claim.

Claims 65 and 66 have been added to recite that the antibody is specific for human TRANCE and murine TRANCE, respectively. Support for these claims can be found throughout the specification as filed, including, but not limited to, at page 46, lines 5-10. Accordingly, no new matter has been added by way of the addition of new claims 65 and 66.

In sum, support for new claims 60-66 can be found throughout the specification as filed such that addition of these claims does not constitute new matter.

Specification

The specification has been amended herein to properly reflect the priority information of the present Application. In particular, page 1 of the specification has been amended to indicate that the present Application is a divisional of U.S. Patent Application No. 09/447,035, filed November 22, 1999, which is a divisional application of U.S. Patent Application No. 08/989,479, filed December 12, 1997, all of which claim priority to U.S. Provisional Patent Application No. 60/069,589, filed December 17, 1997. No new matter has been added as the present amendment merely serves to point out the relationship of the prior applications to the present application.

Revocation and Appointment of Attorney by Assignee

Kindly note that the undersigned, Attorney for Applicants, is now new counsel for Applicants. A Revocation and Appointment of Attorney by Assignee is being filed in this application contemporaneously herewith to reflect these changes. A courtesy copy of the Revocation and Appointment of Attorney by Assignee is enclosed herewith for the Examiner's convenience.

Summary

Applicants respectfully submit that each of claims 10-15 and 60-66, is in condition for allowance. Consideration and allowance of each of these claims are respectfully requested at the earliest possible date.

Respectfully submitted,

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July 2, 2004
Date

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Enclosures: Copy of Revocation and Appointment of Attorney by Assignee